

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Ramon Dorado Muric,
5 Petitioner

6 v.

7 Joseph Lombardo,
8 Respondent

Case No.: 2:18-cv-00683-JAD-VCF

Order Dismissing Case

9 Pro se petitioner Ramon Dorado Muric is a pre-trial detainee at the Clark County
10 Detention Center who petitions for a writ of habeas corpus¹ and applies to proceed *in forma*
11 *pauperis*.² He is awaiting trial in the Eighth Judicial District Court in case no. C-17-323098-1,
12 which is set to begin in January 2019.³

13 Federal courts should abstain from intervening in pending state criminal proceedings
14 unless there are extraordinary circumstances of a great and immediate danger of irreparable
15 harm.⁴ A court “must abstain under *Younger* if four requirements are met: (1) a state-initiated
16 proceeding is ongoing; (2) the proceeding implicates important state interests; (3) the federal
17 plaintiff is not barred from litigating federal constitutional issues in the state proceeding; and (4)
18 the federal court action would enjoin the proceeding or have the practical effect of doing so, i.e.,
19 would interfere with the state proceeding in a way that *Younger* disapproves.”⁵

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22 ¹ ECF No. 1-1.

23 ² ECF No. 1.

24 ³ Eighth Judicial District Court Portal <https://www.clarkcountycourts.us/portal> (last visited June
25 22, 2018) (search by case number C-17-323098-1). It appears that Muric is known in the state-
court system as Ramon Muril Dorado.

26 ⁴ *Younger v. Harris*, 401 U.S. 37, 45–46 (1971); *see also Ex Parte Royall*, 117 U.S. 241, 251
(1886)

27 ⁵ *San Jose Silicon Valley Chamber of Commerce Political Action Comm. v. City of San Jose*, 546
28 F.3d 1087, 1092 (9th Cir. 2008).

1 The *Younger* elements are all satisfied here. There is a state criminal trial pending
2 against Muric, and the prosecution of crimes is an important state interest.⁶ Muric may also raise
3 his constitutional claims in the state courts by motion before the trial court, on appeal, or in a
4 post-conviction habeas corpus petition (and it appears from the online docket and Muric's filings
5 in this case that he is in fact litigating his constitutional claims in the state court). Finally, if this
6 court granted Muric relief, it would terminate his state-court criminal action—a result that
7 *Younger* disapproves of. I must therefore abstain from considering this habeas petition.

8 Accordingly, IT IS HEREBY ORDERED that the application to proceed *in forma*
9 *pauperis* [ECF No. 1] is **GRANTED**. Muric need not pay the \$5.00 filing fee.


10 The **Clerk of Court** is directed to **DETACH and FILE** the petition for a writ of habeas
11 corpus under 28 U.S.C. § 2254.

12 IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to Muric's
13 ability to litigate his claims in the appropriate forum at the appropriate time.

14 The **Clerk of Court** is directed to **ENTER JUDGMENT** accordingly and **CLOSE**
15 **THIS CASE**.

16 And because reasonable jurists would not find my decision to abstain from considering
17 this petition at this time to be debatable or wrong, I decline to issue a certificate of appealability.

18 Dated: June 25, 2018

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20 U.S. District Judge Jennifer A. Dorsey
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27 ⁶ See *Kelly v. Robinson*, 479 U.S. 36, 49 (1986); *Rose v. Mitchell*, 443 U.S. 545, 585 (1979);
28 *Younger*, 401 U.S. at 43–44.